

Remarks/Arguments relevant to Office Action dated 12/21/2005:

Claims 15-17 and 23-29 were provisionally elected for examination, with traverse. Claims 15-17, 23-25, and 27-29 remain in the case. Claim 26 is canceled.

Rejection Under 35 U.S.C. 112 second paragraph

Claim 26 is rejected as being indefinite due to being incomplete. Claim 26 is canceled.

Rejection under 35 U.S.C. 102(b)

Claims 15, 17, 23 and 27-29 are rejected as lacking novelty over McCarthy, U.S. Patent 2,031,054. According to the Office Action, McCarthy shows clamping together two conveyor sections by a clamping means.

Applicant requests that the rejection be withdrawn, based upon a fundamental difference between McCarthy and the present claims. The difference is that McCarthy does not apply his clamps to what is considered to be a conveyor, in the sense of an endless belt, chain, or other carrier that travels a pathway. McCarthy merely clamps together a static structure that is peripheral to the moving portion of a conveyor. This distinction is established at McCarthy specification column 1, lines 42-50, quoted below:

In the embodiment of my invention illustrated in the drawing, a sectional conveyor of the chain type is shown. Said conveyor includes a pair of adjoining aligned troughs 10, 10 having an endless chain 11 moving along the center thereof. Said chain has suitable transversely extending flights 12, 12 secured thereto at intervals therealong for moving material along said trough sections.

The quoted paragraph clearly establishes the fundamental difference referred to, above. The moving portion of McCarthy's conveyor is a chain with transverse flights, which is not the subject of clamping. Rather, McCarthy clamps together the static trough sections through which the chain is dragged. These trough sections are not a conveyor belt or and are not equivalent to a moving belt in the physics of their operation. These troughs are static. They do not bend laterally at corners. They do not bend vertically at the end of a run. There is no substantial issue of the trough sections opening at junctions, accumulating debris in the openings, and then suffering damage as the junctions attempt to close while moving through other portions of the run. Therefore, clamping static troughs should neither anticipate nor make obvious applicant's improvement in clamping the belt sections of a conveyor belt. A movable conveyor belt is subject to dynamic events that have no fair parallel in a static trough.

As originally presented, applicant's Claim 15 is directed to "an assemblage of a

plurality of modular belt elements as an endless belt.” Quite clearly, McCarthy does not address the clamping of an endless belt. Claim 15 further states, “mating each of the at least two attachment points of a first belt element in contact with a corresponding one of the respective at least two attachment points of a second belt element.” McCarthy does not clamp together any “belt element.”

The Office Action relies upon McCarthy to teach clamping together two “conveyor sections.” In view of the McCarthy’s true scope, it is appreciated that reference to clamping “conveyor sections” is possibly marginally accurate as applied to McCarthy’s static troughs. However, applicant’s claims are of a different and more precise scope, referring to clamping of “belt elements” of an endless belt. The generality of the Office Action’s reference to “conveyor sections” is not a fair and accurate characterization as applied to applicant’s claims. For this reason, the rejection premised upon McCarthy should be withdrawn.

While the argument has been detailed with respect to applicant’s independent claim 15, applicant’s independent claim 23 also is directed to an “assemblage of a plurality of modular belt elements as an endless belt.” Accordingly, the argument is equally accurate as applied to claim 23.

Additional patent art was cited but not applied. Each additional patent has been reviewed without finding a clip meeting the language of independent claims 15 or 23.

Stauth 2,951,579 appears in the electronic package of prior art but is listed on the Notice of References Cited under the different name, Martin Mayrath. Stauth teaches a joining of static troughs, not sections of a conveyor belt. The technology resembles McCarthy ‘054.

Grundken 4,646,905 relates to a clip for joining two channel sections of a scraper chain conveyor.

McCarthy 5,015,845 mentions using splice plates to joint sections of a feed trough that contains a moving conveyor. The technology resembles McCarthy ‘054, Stauth, and Grundken.

Heninger 6,035,997 shows a dog-bone coupler for joining metal pans on a scraper chain conveyor. A T-shaped retainer holds one end of the dog-bone coupler in place. The disclosure does not mention a clip. Rather, it is addressed to preventing loss of the T-shaped retainer by restraining it in a resilient holder.

Remarks/Arguments relevant to Office Communication dated 05/04/2006:

The Office Communication noted that the proposed reply filed May 23, 2006,

which was submitted electronically, did not contain signature. The present reply, which includes the proposed reply of May 23, 2006, contains electronic signature of the filer.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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